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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirtieth session

SUMMARY RECORD OF THE 545th MEETING

Held at Headquarters, New York,
on Thursday, 4 April 1991, at 10.30 a.m.

Chairman: Mr. MIKULKA (Czechoslovakia)

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The meeting was called to order at 10.45 a.m.

PARTICIPATION OF NON-MEMBER STATES

1. The CHAIRMAN informed the Subcommittee that he had received from Cape Verde a communication in which it asked to participate in the meetings of the Subcommittee. If he heard no objection, he would take it that the Subcommittee authorized the representatives of Cape Verde to attend the formal meetings of the Subcommittee and to ask for the floor if they wished to make a statement.

2. It was so decided.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (continued)

3. Mr. KOPAL (Czechoslovakia) said that the Subcommittee's consideration of the new agenda item should lead to the strengthening of international cooperation in the exploration and peaceful uses of outer space and that he hoped specific areas would be identified in which such cooperation could be developed. The views expressed during the debate by representatives of developing countries should be further elaborated in a working paper in which certain concepts, such as that of access to the benefits of space exploration, would be clarified, and in which representatives of the space Powers would have an opportunity to present their views on the issue.

4. His delegation was very sensitive to the need to protect the outer space environment from all forms of pollution, particularly the proliferation of space debris. That concern was shared by the world scientific community, as evidenced by the work of the International Astronautical Federation (IAF) and the Committee on Space Research (COSPAR), as well as by recent studies conducted by such bodies as the United States National Security Council's Inter-Agency Group and the European Space Agency (ESA). Those discussions and studies highlighted the need to take preventive measures in that area and to pay close attention to the legal aspects of the problem of space debris. Thus, for example, the International Law Association was currently considering a draft international instrument on the environmental risks arising from activities in space. Finally, it should be recalled that in its resolution 45/72, the General Assembly had recommended that more attention should be paid to all aspects related to the protection and the preservation of the outer space environment and had expressed the view that space debris could be an appropriate subject for discussion by the Committee on the Peaceful Uses of Outer Space in the future.

5. His delegation believed that the problem of space debris must be addressed without delay and that the parallel discussions of the two

(Mr. Kopal, Czechoslovakia)

Subcommittees should prepare the way for the adoption of appropriate measures in the near future.

6. Mr. ZAWELS (Argentina) said that bilateral agreements on cooperation in space, which provided an opportunity for many developing countries to familiarize themselves with the applications of space technology, played an essential role in the development of international cooperation in that area. In that respect, it was important to identify the general principles under which all States, and particularly developing countries, would be assured access to the space technology market under equitable and non-discriminatory conditions. As applied to international cooperation in space, the principle of equity required that certain advantages should be accorded to those who were less advanced in the area of space activities. Non-discrimination meant that all countries which were at the same stage of development should have comparable opportunities to familiarize themselves with space technology.

7. His delegation believed it was essential for the Subcommittee to define a legal regime under which the conditions for the transfer of space technology could be determined objectively, instead of being determined unilaterally and arbitrarily by equipment manufacturers and providers of space services. Those were some of the ideas put forward in a working paper to be presented to the Subcommittee by a group of delegations in the near future.

8. Mr. MOTSYK (Ukrainian Soviet Socialist Republic) welcomed the establishment of a Working Group on agenda item 5. The work done under that item should aim to strengthen the legal bases and to develop international cooperation in the area of the exploration and peaceful uses of outer space. To that end, specific areas for the development of cooperation could be defined and an agreement could be reached on the modalities of cooperation in each of those areas, with emphasis on the needs of developing countries, as stipulated in the title of the agenda item.

9. With respect to the legal aspects related to the application of the principle mentioned in the item, his delegation agreed with a number of other delegations that they were directly linked to article IX of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967 Outer Space Treaty), which laid the bases for the exploration and peaceful uses of outer space. The Ukrainian SSR was a party to that treaty and to various other relevant international instruments.

10. As noted inter alia by the Czechoslovak delegation, it was useful to include in the debate on item 5 considerations relating to environmental protection, particularly with respect to the problem of space debris. International law relating to the environment already included well-established norms that could be used. Moreover, it was important to consider the interests not only of present but also of future generations. The proposal concerning the construction of an international space laboratory

(Mr. Motsyk, Ukrainian SSR)

or manned space station for monitoring the environment was interesting in that regard. His delegation also supported the proposal of the Group of 77 concerning cooperation with the Scientific and Technical Subcommittee in the deliberations on the item. Ukrainian experts were participating actively, with both developed and developing countries, in international scientific and technical cooperation in the field of space.

11. At the Scientific and Technical Subcommittee's 1991 session, the Ukrainian delegation had presented a proposal concerning the establishment of a world-wide system for the seismological monitoring of the Earth and the prediction of earthquakes, in which the Ukrainian SSR was expected to play an active role. Given the devastating effects of earthquakes, that issue was of the greatest importance for all countries, both developed and developing. The Scientific and Technical Subcommittee would continue its consideration of that proposal at its next session.

12. Finally, his delegation felt that mutually beneficial cooperation in the area of outer space should be broadened and that th efforts of developed and developing countries should be united in the exploration and peaceful uses of outer space and in the elaboration of sound legal bases for such cooperation.

13. Ms. VENTURINI (Italy) recalled that Italy had incorporated into its legislation a number of multilateral agreements governing international cooperation in the exploration and utilization of outer space for the benefit of all countries. Moreover, Italy was a member of, and an active participant in, the work of several organizations, including the International Telecommunication Union (ITU), the International Telecommunications Satellite Organization (INTELSAT), the International Maritime Satellite Organization (INMARSAT) and the European Telecommunications Satellite Organization (EUTELSAT) and ESA.

14. At the national level, in 1988, Italy had reorganized its space-related activities into the Italian Space Agency. That new entity should help Italy to enhance its role in the field of outer space research and to involve developing countries in new initiatives.

15. Outer space activities were already having numerous spin-off benefits for all States in such areas as meteorology and agriculture. The smooth operation of free markets, in the context of bilateral and multilateral cooperation, offered the best opportunity for developing countries to benefit from outer space activities. Italy had concluded with those countries a large number of bilateral agreements on scientific and technical cooperation, which often constituted the basis for international joint ventures. Such joint ventures between the industrialized space Powers and the developing countries should help the latter to improve their capabilities in space science and technology. In addition, treaties on the protection of foreign investments could play a useful role in the development of space activities jointly undertaken by industrialized and developing countries.

16. Mr. HERNANDEZ BASAVE (Mexico) said that the working group on the new agenda item should focus on drafting a legal framework that would guarantee all States, developing countries in particular, access to theoretical and practical knowledge in space science and technology, to enable them to develop their own potential in the field.

17. In the conviction that the establishment of mechanisms and methods to guarantee equitable distribution of the benefits of space exploration and utilization would be achieved through the drafting of norms which would strengthen and develop the principle contained in article 1 of the Treaty of 1967, his delegation had joined in the Brazilian initiative concerning a working paper to be submitted to the Subcommittee during the session containing draft principles on international cooperation in space exploration and utilization.

18. During the general debate, his delegation had already drawn attention to the urgent need to provide effective measures to prevent the danger of growing militarization of outer space in coordination with the Conference on Disarmament and the Committee on the Peaceful Uses of Outer Space. It could only be alarmed by the latest press releases reporting the launching of a nuclear reactor into space and the sending of a military space mission as part of the Strategic Defence Initiative. If those reports were confirmed, the Subcommittee's efforts of 12 years and more regarding the use of nuclear-power sources in outer space and its recent efforts on the new agenda item might be brought to naught, and the work of the Committee on the Peaceful Uses of Outer Space might be seriously compromised.

19. Mr. BABAR (Pakistan) said that when the Secretary-General had invited States members to comment on agenda item 5, pursuant to General Assembly resolution 44/46, his Government had suggested that the Subcommittee should study the following three areas: (a) distinction between space-oriented and earth-oriented activities, and between the "use of outer space" and the "use of objects" for the exploration of resources; (b) drafting of an international agreement to implement the principle of "benefits and interests of all countries" and a basis for equitable sharing of such benefits by all States; (c) promotion of international cooperation, particularly involving developing countries, to enable them to participate in international space programmes.

20. At the Subcommittee's twenty-ninth session, his delegation had said that the discussions should cover safeguarding of rights, national resources and sovereignty of all States, in particular those with very limited space capability, by regulating the remote sensing, communications and other activities of space Powers through the adoption of an appropriate international legal regime.

21. Furthermore, the 1967 Outer Space Treaty, in its first article, had established the basic principle that outer space could be used freely by all States. In other words, its use and exploration were free; all areas of celestial bodies should be freely accessible, and scientific research was free in space (which concept differed from that of freedom of outer space).

(Mr. Babar, Pakistan)

22. It would be helpful for the Subcommittee to attempt to further elaborate those legal concepts in the context of agenda item 5 and to examine the key factors relating to international cooperation in space listed in paragraph 47 of the report on the work of its twenty-ninth session (A/AC.105/457) in particular subparagraphs (c), (d) and (e), with the objective of evolving general principles for such cooperation and identifying the areas in which it could be of benefit to all States.

23. In conclusion, his delegation had noted with great interest the proposals outlined by the representatives of Brazil and Argentina, which it considered very positive in approach and content.

24. Mr. FERRAZZANI (European Space Agency) reviewed the space cooperation activities conducted by ESA, in particular its participation in the launching of the Hubble space telescope by NASA, the launching of the Ulysses space probe and conclusion of a cooperation agreement with the Soviet Union, which would be followed by the signing of a cooperation agreement with the Hungarian Government and the establishment of cooperation with several central and Eastern European countries.

25. Furthermore, ESA planned to launch the first "ERS 1" satellite in May 1991 under its Earth observation and environment programme. That satellite, equipped with radar enabling it to gather data day and night whatever the cloud cover, would be particularly useful in tropical regions, where almost permanent cloud cover appreciably limited the effectiveness of other Earth observation equipment. An ERS 2 satellite should be launched in 1994 and the launch of the first polar platform equipped with the same instrumentation as the ERS satellites was planned for 1997.

26. The European Space Agency would welcome the establishment of close coordination among all countries with satellite launching capability, and believed it was essential that all data thus obtained should be utilized for the benefit of all countries, particularly developing countries, which might need it most. Accordingly, ESA was closely coordinating its activities with those of the Commission of the European Communities, particularly given the prospect of establishing a European environmental agency. Its "TREES" project for radar surveillance of tropical forests should be viewed in that context. It was also making every effort to assist countries, upon request, to better utilize that new radar technology.

27. In addition, ESA had concluded cooperation agreements with FAO, had organized or assisted with training courses in Mexico, Chile, Brazil, Morocco and India, and had made available to the Asian Institute of Technology in Bangkok the services of a radar technology specialist. It also planned to conclude cooperation agreements with several countries for the establishment of workstations which would enable those countries to process satellite data on location and to utilize it directly for their own needs. Those workstations would facilitate the implementation of pilot projects demonstrating the benefits and uses of instruments on board the ERS satellite.

(Mr. Ferrazzani)

28. Finally, ESA had established a European centre for space law for the purpose of studying and teaching space law in Europe, inter alia, by encouraging exchanges among jurists, executives and economists and also university research in some fields.

29. Mr. BOYER (France), while concurring with the representative of Argentina regarding the importance of cooperation agreements in outer space activities, said that it was none the less necessary to be realistic. Although he did not see the absolute necessity of making the international cooperation regime uniform, he remained open, in principle, to any proposal in a spirit of cooperation and progress.

30. Mr. GONZALEZ (Chile) requested the ESA representative to provide details on the structure, means of operation and any other information on the European centre for space law which could be useful to the countries of other regions.

31. The CHAIRMAN said that the Subcommittee had completed its consideration of agenda item 5.

The meeting rose at 11.45 a.m.